

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROD MARSHALL, *et al.*,

Plaintiffs,

vs.

ANDERSON EXCAVATING AND  
WRECKING CO., a.k.a. ANDERSON  
EXCAVATING CO.,

Defendant.

8:14-CV-96

ORDER

This matter is before the Court on plaintiffs' Motion for Leave to File a Partial Motion for Summary Judgment Out of Time (filing [42](#)). The deadline for filing motions for summary judgment in this case was June 11, 2015. Filing [33](#) at ¶ 9. On June 12, plaintiffs filed the pending Motion for Leave, requesting an additional 10 days to file a motion for partial summary judgment. Filing [42](#).

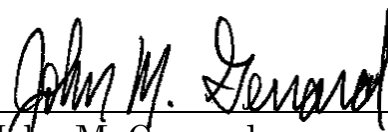
Pursuant to [Fed. R. Civ. P. 6\(b\)](#), the Court may, for good cause, extend a deadline. Where the request for an extension is made after the deadline has passed, it may be granted if the requesting party shows that it failed to act because of excusable neglect. [Fed. R. Civ. P. 6\(b\)\(1\)\(B\)](#). Plaintiffs have shown neither good cause nor excusable neglect, as they have failed to offer any explanation for why they were unable to file a motion for summary judgment within the deadlines (set in December 2014), or at the very least, move for an extension within that deadline. Accordingly,

IT IS ORDERED:

1. Plaintiffs' Motion for Leave to File a Partial Motion for Summary Judgment Out of Time (filing [42](#)) is denied.

Dated this 16th day of June, 2015.

BY THE COURT:

  
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John M. Gerrard  
United States District Judge